

REMARKS

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 1 and 13-14 are amended. Claims 2, 9-10 and 12 are cancelled. Support for amendments can be found in the original claims, for example, original claim 2 and claim 4. No new matter is added. No new search is needed.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1, 3-8, 11, and 13-14 are now pending in this application.

Priority

A verified English translation of Japanese Patent Application No. 2003-116232, to which the instant Application claims priority, is submitted herewith. Applicant respectfully submit that the priority date of April 21, 2003 is now perfected.

Information Disclosure Statement

The foreign patent documents and literature articles listed in the Information Disclosure Statements filed in the above-identified application on October 20, 2005, were not considered by the Examiner. The listed documents were cited in the corresponding International Search Report in the present national stage application. Courtesy copies of the unconsidered references cited in the International Search Report are submitted herewith for the Examiner's consideration. The absence of a full English translation or an English-language counterpart document does not relieve the PTO from its duty to consider any submitted document (37 CFR §1.98 and MPEP§609).

Applicants respectfully request that each listed document be considered by the Examiner and be made of record in the present application and that a fully initialed copy of Form PTO/SB/08 filed on October 20, 2005, be returned in accordance with MPEP §609.

Claim Objections

Claims 13 and 14 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim.

Solely in the interest of expedience, claims 13 and 14 are rewritten in independent form without prejudice. By way of this Reply, the claim objections are now moot.

Claim Rejections under 35 U. S. C. § 112

Claims 1-4, 6-8, 11, 13, and 14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention, because the meaning of the term “optionally substituted” is deemed unclear.

Claim 1 is amended to replace the term “an optionally substituted biotinyl group” with “a biotinyl group or a biotinyl group substituted with halogen, nitro, cyano or C₁₋₆ alkyl.”

By way of this Reply, the 112 rejections are now moot.

Claim Rejections under 35 U. S. C. § 102 over Fukushima

Claims 1, 11 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated over Fukushima (Fukushima et al., Langmuir, 1995, 11(9), 3523-3528).

Claim 1 is amended to recite “Por represents a porphyrin residue forming a metal complex selected from a group consisting of heme a, heme b, heme c, variant heme c, heme d, heme d1, siroheme, and heme o,” a limitation recited in the original claim 2.

Applicants respectfully submit that Fukushima is silent on at least the above cited features.

Claims 11 and 13 depend from claim 1, and thus are patentable for at least the same reasons.

Claim Rejections under 35 U. S. C. § 102 over Ishida

Claims 1-8, 11, 13, and 14 are rejected under 35 U.S.C. 102(a) as being anticipated over Ishida (Ishida et al., Analytical biochemistry, 2003, 321 (1), 138-141).

As explained above, a verified English translation of Japanese Patent Application No. 2003-116232 filed April 21, 2003, is submitted herewith to perfect the claim to priority.

Applicant respectfully submit that Ishida was not published prior to April 21, 2003, which is the perfected priority date of this Application, and thus respectfully request withdrawal of the 102 (a) rejections over Ishida.

Claim Rejections under 35 U. S. C. § 103

Claims 1-8, 11, 13, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ishida in view of Roelant (U.S. 5,998,128).

As explained above, Ishida is not prior art. Thus, the 103 rejections are now moot.

Conclusion

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing or a credit card payment form being unsigned, providing incorrect information resulting in a rejected credit card transaction, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If

any extensions of time are needed for timely acceptance of papers submitted herewith,
Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorize payment
of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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By 

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